

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

A.T., a minor by and through his parent and natural guardian SHA-KEEMA TILLMAN; B.C., a minor, by and through KRISTI COCHARDO; and on behalf of themselves and all others similarly situated,

Civil Case No:
9:17-cv-00817(DNH-DEP)

-vs-

Plaintiffs,

DAVID HARDER, Broome County Sheriff, in his official capacity; MARK SMOLINSKY, Jail Administrator of the Broome County Correctional Facility, in his official capacity; KEVIN MOORE, Deputy Administrator, in his official capacity; CHENANGO VALLEY CENTRAL SCHOOL DISTRICT,

Defendants.

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

PLEASE TAKE NOTICE that on March 9, 2018 at 10 a.m., the plaintiffs will move this Court at 10 Broad Street, Utica N.Y. 13501 for a preliminary injunction enjoining David Harder, Mark Smolinksy, and Kevin Moore ("the Sheriff's Office defendants") from using solitary confinement on juveniles and requiring them to develop a plan to stop doing so, in consultation with plaintiffs' attorneys and expert. The plaintiffs further move that this Court order the Sheriff's Office defendants to afford all eligible juveniles who are denied educational instruction they are entitled to under New York's laws and regulations with notice and an opportunity to be heard; and to afford juveniles with qualifying disabilities under the Individuals with Disabilities Education Act ("IDEA") with a free appropriate public education by providing them with their

entitled special education and related services. In support of this motion, plaintiffs submit their memorandum of law; the Declaration of Joshua Cotter, dated February 5, 2018, and all the exhibits annexed thereto; the Declaration of Dr. Andrea Weisman, dated February 5, 2018, and all exhibits annexed thereto; and the Declaration of Jami Waldron, dated February 5, 2018, and all the exhibits annexed thereto.

Respectfully submitted,

/s/ Joshua Cotter
**LEGAL SERVICES OF
CENTRAL NEW YORK, INC.**
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